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CITY COUNCIL
ATLANTA, GEORGIA

07-O-0862

AN ORDINANCE
BY: ZONING COMMITTEE

AN ORDINANCE TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA, AS AMENDED, SO AS TO CREATE A NEW CHAPTER TO BE ENTITLED 20O, ATKINS PARK HISTORIC DISTRICT; TO ESTABLISH OVERLAY REGULATIONS FOR SAID DISTRICT; TO ENACT, BY REFERENCE AND INCORPORATION, A MAP ESTABLISHING THE BOUNDARIES OF SAID DISTRICT; AND TO DESIGNATE AND ZONE ALL PROPERTIES LYING WITHIN THE BOUNDARIES OF SAID DISTRICT TO THE OVERLAY ZONING CATEGORY OF HISTORIC DISTRICT (HD) PURSUANT TO CHAPTER 20 OF THE ZONING ORDINANCE OF THE CITY OF ATLANTA, REZONING FROM R-4 (SINGLE-FAMILY RESIDENTIAL) to R-4/HD (SINGLE-FAMILY RESIDENTIAL/HISTORIC DISTRICT), TO REPEAL CONFLICTING LAWS; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

SECTION 1. That the properties lying within the Atkins Park Historic District, which properties are more fully described as shown in Attachment "A" to this ordinance, which attachment is incorporated herein, meet the criteria for Historic District as set forth in the Nomination Resolution of the Urban Design Commission attached hereto as Attachment "B" and incorporated herein, and are hereby determined to be a Historic District pursuant to Chapter 20 of the 1982 Zoning Ordinance of the City of Atlanta, as amended.

SECTION 2. That the 1982 Zoning Ordinance of the City of Atlanta, as amended, is hereby further amended by designating said properties described in Attachment "A" to the overlay zoning category "Historic District" pursuant to Section 16-20.006 of the 1982 Zoning Ordinance of the City of Atlanta, as amended.

SECTION 3. That the 1982 Zoning Ordinance of the City of Atlanta, as amended, is hereby further amended by adding a new Chapter 20O, Atkins Park Historic District, the regulations for which shall read as shown in Attachment "C", which attached regulations are incorporated herein.

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SECTION 4. That the boundaries of the Atkins Park Historic District shall be established as shown on the attached map marked Attachment "A", which attached map is incorporated herein.

SECTION 5. That the official zoning map of the City of Atlanta, now on file with the Office of the Municipal Clerk, be and is hereby amended so as to provide that the subject properties lying within said Atkins Park Historic District bear the zoning designation "Historic District," which designation shall be officially abbreviated as "HD" and which shall underlie the abbreviation for the existing R-4 zoning classification on said map.

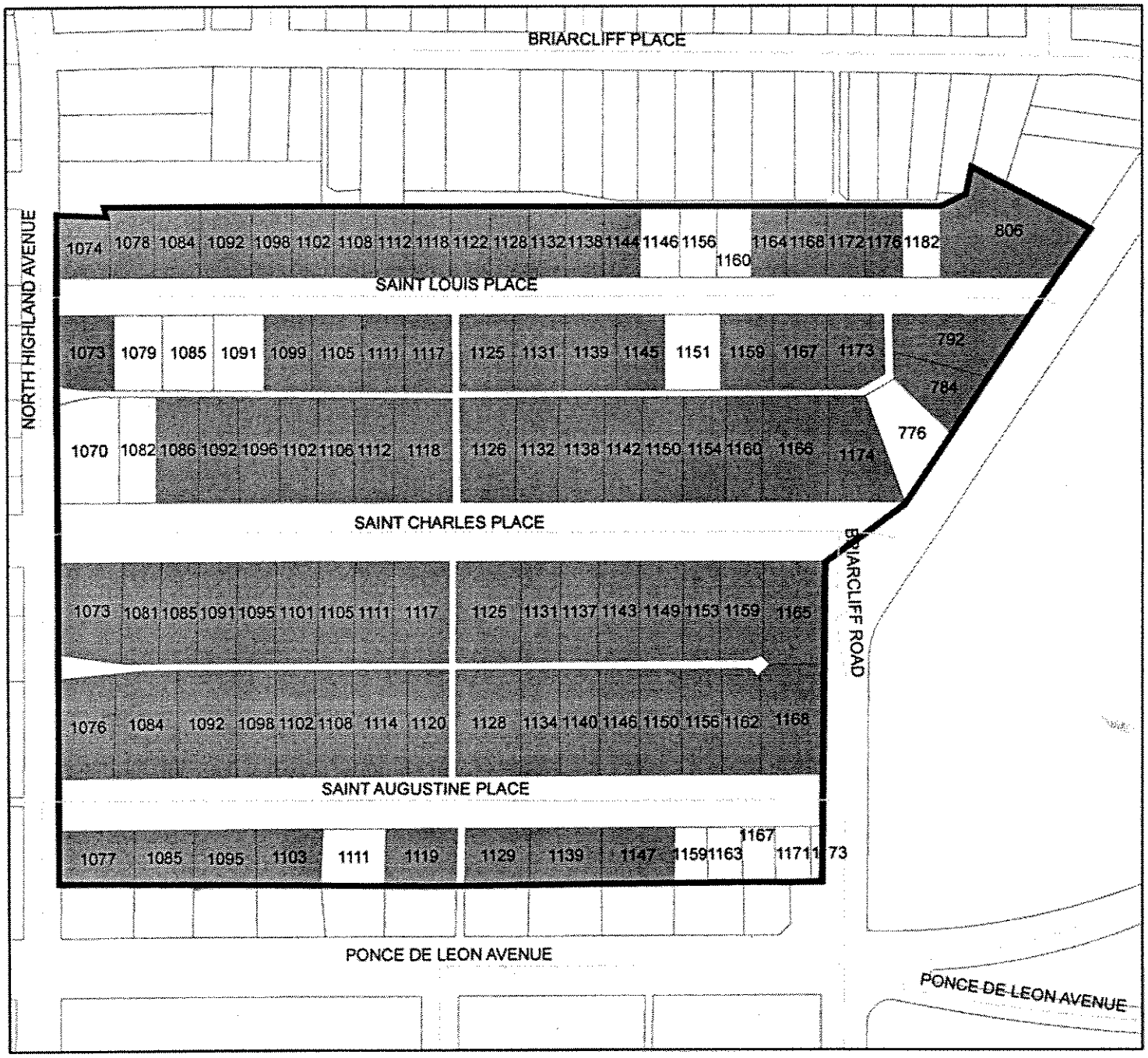
SECTION 6. All properties lying within said Atkins Park Historic District shall be subject to the regulations attached hereto as Attachment "C" as well as the general regulations governing historic districts contained in Chapter 20 of the 1982 Zoning Ordinance, as amended, as well as any other applicable laws and regulations.

SECTION 7. That all ordinances or parts of ordinances in conflict with this ordinance are repealed.

ATLANTA
URBAN DESIGN
COMMISSION

ATLANTA CITY HALL
55 TRINITY AVENUE, SW
SUITE 3400
ATLANTA, GEORGIA 30335-0331
(404) 330-6200

Proposed Atkins Park Historic District (Chapter 20 O)



= Parcels with Contributing Buildings

This map is provided only for general information purposes and is not an official record of the zoning status of areas within the City of Atlanta. Neither the City nor the AUDC assume any liability for any errors or omissions in any map and reliance by any person on any type of information contained in any map is strictly at the risk of the user. To receive official confirmation of the zoning of property within the City of Atlanta, it is necessary to contact the Zoning Enforcement Division of the Bureau of Buildings.

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Produced by the AUDC - 02/07

Revised 4/11/07

Attachment "A"

ATLANTA
URBAN DESIGN
COMMISSION

ATLANTA CITY HALL
55 TRINITY AVENUE, SW
SUITE 3400
ATLANTA, GEORGIA 30335-0331
(404) 330-6200

N-07-087

RESOLUTION

Whereas, the Atkins Park Historic District was listed in the National Register of Historic Places on August 30, 1982; and

Whereas, the Executive Director of the Atlanta Urban Design Commission initiated the nomination process by mailing the appropriate Notice of Intent to Nominate to all property owners in Atkins Park pursuant to Subsection (b) of the City of Atlanta Code of Ordinances, Section 16-20.005 Nominations; and

Whereas, the Executive Director has caused to be conducted extensive research regarding this proposed nomination and a written report has been compiled stating the findings and recommendations regarding the historic, architectural and cultural significance of said nomination pursuant to Subsection (d) of said code section, which report, Exhibit "A", is attached to this resolution and is hereby incorporated by this reference; and

Whereas, a public hearing was held by this Commission to consider said nomination after appropriate public notice was provided as required by Subsection (e)(1) of said code section; and

Whereas, this Commission has reviewed and considered said designation report as well as all other testimony, documentation and other evidence presented to it, including the testimony of all interested members of the public and property owners pursuant to Subsection (e)(1) of said code section;

Now, therefore be it resolved by the Urban Design Commission of the City of Atlanta as follows:

Section 1. That the designation report prepared at the direction of the Executive Director of the Urban Design Commission is hereby adopted by the Commission and shall constitute the Findings of Fact upon which this nomination is based.

Section 2. That the Commission hereby determines that Atkins Park, a revised map dated April 11, 2007 of which delineating all boundaries is attached hereto as Exhibit "B", hereby incorporated by this reference, is architecturally, historically, and culturally significant and is hereby determined to be eligible for designation to the category of Historic District (HD) as meeting, at a minimum, the eligibility criteria set forth in

Attachment "B"

Section 16-20.004(b)(1), specifically including subsections a., b., and c. of this code section. Atkins Park is located in Land Lot 241, 15th District, DeKalb County, Atlanta, Georgia and Land Lot 16, 14th District, Fulton County, Atlanta, Georgia (see map for boundaries).

Section 3. That the Commission hereby further determines that said Atkins Park meets the criteria set forth in Section 16-20.004(b)(2)d., specifically including those criteria in the following groups: Group I (Historic) 1, 2, & 3; Group II (Architectural) 1, 2, 3, 5, 6, 9, 12, 13 & 14; and Group III (Cultural) 1, 2 & 3.

Section 4. That the Commission having determined that Atkins Park meets and exceeds the criteria set forth herein, hereby nominates Atkins Park to the category of Historic District (HD), pursuant to Section 16-20.005(e)(3).

Section 5. That the Commission hereby directs the Executive Director to transmit this resolution including all supporting documentation to the Chair of the Zoning Committee of the Atlanta City Council, to the Commissioner of Planning and Community Development, and to notify by first class mail the owners of all properties within Atkins Park.

Approved and nominated by the Atlanta Urban Design Commission on April 11, 2007.

Regina Brewer, Chair
Atlanta Urban Design Commission

ATKINS PART HISTORIC DISTRICT
District 14, Land Lot 16
Fulton County, City of Atlanta
District 15, Land Lot 241
Dekalb County, City of Atlanta
Existing Zoning: R-4

N-07-087
Proposed Designation:
Historic District

National Register Listed: August 30, 1982

BOUNDARIES

The proposed Atkins Park Historic District includes all properties within the following general boundary: Beginning at the southwest corner of the property known as 1077 St. Augustine Pl., said point also being 71 ft. north of the northeast corner of Ponce De Leon Ave. and North Highland Ave.; then proceeding easterly 167 ft.; then northeasterly 2.75 ft.; thence easterly 11 ft.; thence southerly 9.75 ft.; thence easterly 10 ft.; thence northerly 2.75 ft.; thence easterly 157.25 ft.; thence southerly 2.75 ft.; thence easterly 13.67 ft.; thence northerly 2.75 ft.; then proceeding easterly 354.67 ft.; thence southerly 4.92 ft.; thence easterly 20.66 ft.; thence northerly 4.92 ft.; thence easterly 170.59 ft.; thence southerly 4.7 ft.; thence easterly 20.34 ft.; thence northerly 4.7 ft.; thence easterly 88.25 ft. to the west side of Briarcliff Rd.; thence northerly along the westerly side of Briarcliff Rd. 428.2 ft. to the southwest corner of St. Charles Pl. and Briarcliff Rd.; thence northeasterly along Briarcliff Rd. about 562.4 ft. to a point; thence leaving Briarcliff Rd. northwesterly 167.4 ft.; thence southwesterly 33.6 ft.; thence a little more southwesterly 37.7 ft.; thence proceeding westerly about 1107.7 ft. along the rear property lines of properties facing the north side St. Louis Pl. to the northwest corner of the property located at 1076 St. Louis Pl., NE; then southerly 18.6 ft. to a point; thence westerly 60 ft. to the easterly side of North Highland Ave.; thence southerly along the easterly side of North Highland Ave. about 885 ft. to the point of beginning.

SIGNIFICANCE

Located northeast of Atlanta's central business district, Atkins Park is associated with the city's developmental history during the early twentieth century. Following the success of Inman Park in the 1890s, Atlanta's residential areas began to quickly grow beyond the city's traditional downtown center. Most of these early suburbs were characterized by planned development and a connection to the city via newly installed system of trolley lines. Atkins Park is significant as an example of the community planning typifying local and national suburban, residential trends of the early twentieth century.

The neighborhood is notable for its largely intact collection of early twentieth century residences that characterize this period of early suburban growth. Dominant house types in the neighborhood include one-story English Cottages and front and side gable bungalows, as well as two-story Georgian and American Foursquare plans. The detached, single-family homes represent a variety of recognized and eclectic architectural styles, including Georgian Revival, English Vernacular and Tudor Revival, Spanish Mission, Prairie and Craftsman. All structures

are generally balloon or platform wood framing construction sheathed with brick, stucco, wood clapboard or shingle exterior siding materials and asphalt or Spanish tile roofing.

In addition, the planned design of Atkins Park also led to a coherent streetscape and defined identity for the district. Original deed restrictions created consistent setbacks, land use patterns, and property values which allowed the neighborhood to maintain its regularity. Stone entrance gates, stone curbing, access alleys and "the by-way" sidewalks, all contribute to the cohesiveness and distinction of the neighborhood. Although Atkins Park was devised along a gridiron plan, its tree-shaded streets and informally landscaped front yards reflect the influence of Frederick Law Olmsted's suburban park settings, as found in the nearby Druid Hills district.

Finally, Atkins Park is locally significant as a residential community of Atlanta's rapidly increasing middle class in early twentieth century. The growth of Atlanta as a regional business center led to a burgeoning number of executives, managers, and clerks associated with the city's major corporations and industries, as well as professionals that provided auxiliary services. Atkins Park was home to numerous railroad managers, company executives, and successful local businessmen. Neighborhoods such as Atkins Park were developed to house these middle-class and upper middle-class workers that would transform the city into a metropolitan center throughout the twentieth century.

HISTORY

Atkins Park was designed and built in the early twentieth century as a speculative, residential development by St. Louis, Missouri-based businessman, Edwin Wiley Grove. A native of Tennessee and a pharmacist by trade, Grove had made his fortune with his Paris Medicine Company which he founded in 1878, marketing *Grove's Tasteless Chill Tonic,* a lemon flavored formula that reduced the fever like symptoms of malaria. The medicine was a popular success and by the 1890s was even outselling Coca-Cola, making Grove a millionaire by the age of forty-four. With his newfound wealth, Grove gave generously to a number of philanthropic causes and began to move into other business ventures, including real estate. After securing capital from investors and associates, including his son-in-law and business partner Fred L. Seely, he created the St. Louis Investment Company and became involved with development projects across the mid-Atlantic and throughout the Southeast.

At the turn of the century, the region that would become Atkins Park was predominantly farmland. Atlanta's residential streets did not yet extend east of present-day Monroe Drive or north of Ponce de Leon Avenue, but the area was becoming ripe for development:

> About 20 acres, good bottom, plenty of water, bold creeks, fine springs, about 1 mile east of Inman Park, the best suburban section around Atlanta. Finely located for truck gardening, etc. Great building sites, overlooking surrounding country, has considerable fruits, grapes, scuppernongs...[1]

In 1902, the St. Louis Investment Company purchased 13.46 acres adjacent to Ponce de Leon Avenue for $22,882 from Franklin P. Rice. An additional 11.82 acres of land to the north was

[1] "For Sale or Exchange" Real Estate Advertisement

acquired from T.M. Clarke for $11, 800 in 1905. The company did not immediately begin residential development on the property but instead created St. Louis Park, which included half of the future neighborhood south of St. Charles Avenue. The new park, enclosed by St. Charles Avenue (renamed St. Charles Place), Highland Avenue, Williams' Mill Road (later Moreland Avenue/Briarcliff Road) and Ponce de Leon Avenue, was listed as an amenity in farmland advertisements from the period.

The area incorporating Atkins Park and the Virginia-Highlands neighborhood was annexed by the City of Atlanta in 1909. By 1911, primary streets in the area, such as Ponce de Leon and Moreland Avenue, had been developed and were widely used for transport by local farmers. It was with the construction of an extensive network of trolley lines however, that made the suburban development of the district possible. The Atlanta Street Railway Company was founded in 1871 using a mule-powered trolley system that extended out from downtown. By 1874, the company had built the trolley line north along Peachtree Street to the current intersection with Ponce de Leon Avenue. For an extra five cents between the months of April and September, a connecting line traveled east on the private right-of-way that later became Ponce de Leon Avenue to the Ponce de Leon Springs and spa, a popular attraction at the time.

In 1889, The Fulton County Street Railway Company began another streetcar operation known as the "Nine-Mile Circle." Starting at the intersection of Broad and Marietta Streets in the downtown business district, the new electric trolley circuit followed Broad Street to Peachtree Street to Houston Street. It followed Houston Street to Highland Avenue, running north on Highland Avenue to Virginia Avenue. From Virginia Avenue, the streetcar turned south on North Boulevard (Monroe Drive) and reconnected with Highland Avenue on its return to the city center. During the late 19th century, the Nine-Mile Circle was a popular line with many Atlantans, who rode it for sightseeing and picnic excursions through the farmland and wooded areas northeast of the city.

Between 1902 and 1912, the Ponce de Leon line was extended further east to Druid Hills as a means of providing access to the newly constructed Ponce de Leon Ballpark and Amusement Park that were built in 1907. The completed line offered the area around Atkins Park two streetcar links to downtown Atlanta. The east/west trolley route traveled along the Ponce de Leon Avenue line to Peachtree Street and a segment of the Nine Mile Circle ran north/south on Highland Avenue.

In 1910, initial planning began on Atkins Park and the subdivision was platted in 1912 with Knox T. Thomas listed as the civil engineer on the project. Fred Seely oversaw the venture and tapped John Oscar Mills, with whom he had worked on the Fortified Hills project, as the landscape designer and construction supervisor of the development. Originally called "St. Louis Park," Grove renamed the neighborhood "Atkins Park" during initial construction as an honor to his family friend and mentor, Colonel John DeWitt Clinton Atkins of Paris, Tennessee. A farmer by trade and member of both the Confederate Provisional Congress and U.S. House of Representatives, Colonel Atkins was appointed Commissioner of Indian Affairs by President Grover Cleveland in 1885 and died in 1908.

Atlanta City Directories from the period document the early growth of Atkins Park. In 1913, one house had been built on St. Charles Avenue between Highland and Moreland Avenues. St. Augustine Place was built by 1914 and St. Louis Place by 1916, but both of the streets were listed without residences. By 1918, development had begun in earnest on both St. Augustine and St. Louis Place; and the segment of St. Charles Avenue in the new neighborhood was renamed St. Charles Place.

Primary development of the neighborhood's perimeter along Ponce de Leon Avenue and Moreland Avenue/Briarcliff Road began shortly thereafter. Although the lots on Ponce de Leon Avenue were originally platted in 1912-13, they were not built upon until they were later subdivided in 1920. The residence at 806 Briarcliff Road (originally 34 Briarcliff Road) was completed in 1915; however, other houses were not built on the street lots fronting Briarcliff until the early 1920s. The neighborhood was eventually completed by the early 1930s, with ninety homes on approximately twenty-eight acres of land.

Seely and Mills' imprint on Atkins Park was made during the initial design stages of the neighborhood. The subdivision was based on the concept of an orderly grid plan. The straight streets of St. Augustine, St. Charles and St. Louis Place were built parallel to each other along an east/west axis, creating neat, rectangular, residential lots. Service alleys were located between the rear property lines on north side of St. Augustine Place and the south side of St. Charles Place and between the north property lines of St. Charles Place and the south side of St. Louis Place. A sidewalk, known as "The By-Way," was designed to run through the middle of the three principal neighborhood blocks perpendicular to the streets and allow for quicker access to the Ponce de Leon Avenue trolley line.

J. Oscar Mills modeled the landscape of Atkins Park after the modern English influenced gardening styles of Andrew Jackson Downing and Frederick Law Olmsted. At the turn of the century, Olmsted had designed the nearby Druid Hills neighborhood using natural landscape features and winding carriage roads to create a pastoral suburban setting. As a competing development, Grove and Seely also sought to employ a park-like setting as an attraction for prospective buyers. Tree-lined streets were flanked with stone curbing and wide sidewalks. Stone gates were built at each end of St. Augustine and St. Charles and the western end of St. Louis Place to give the neighborhood a sense of exclusivity that offered a shaded retreat from the surrounding urban environment.

The cohesive appearance of Atkins Park was reinforced and maintained through the similar covenants in lot deeds sold by Grove to individual homeowners and developers in the neighborhood. Owners were required to "pay annually 7 cents per front foot of lot for beatification, preservation, improvement and repairs of public parks, sidewalks and parkways." Grove also established a park commission comprised of "three Park Commissioners and a Treasurer...to designate how the aforementioned money shall be spent" for the landscaping improvements and maintenance of the stone gate entrances. Other important elements in the deed included a ban on commercial or manufacturing buildings or businesses and "no tenement or apartment house of any kind." Houses were not to cost less than $6,000 and to be built at "distances designated on the plat." There could only be one residence per lot, although garages and stables were allowed. A racial provision, similar in language to many other deed

covenants used by suburban developers during this time period, did not allow lot owners to "convey, lease, rent, or donate a lot or residence to any person of any degree of Negro blood or a person of bad character."[2]

Despite Seely's and Mills' early influence, it appears that neither man, nor Grove and his investment company, had much direct involvement with the neighborhood's architectural style as it developed over the next decade and a half. By this time, Grove and Seely's interests seemed to have shifted to their company's real estate holdings in Asheville, North Carolina, in particular the Grove Park Inn, which was completed in July 1913. The only documented residence constructed by the E.W. Grove Realty Company in Atkins Park was a two-story house that once stood at 1082 St. Charles Place (originally 10 St. Charles Place) and was later demolished to make way for a library building on the property. Built for $5,400 in 1916, the house was purchased by J.S. Cameron, an insurance agent, in 1918.

In some cases, individuals purchased their lots directly from the Grove Realty Company. George A. Bland bought the lot at 1092 St. Augustine Place (originally 20 St. Augustine Place) and it is believed that he hired the noted Atlanta architectural firm of Hentz, Reid and Adler to design and build his house for $5,000 in 1916.[3] Another example of an architect-designed house in the neighborhood can be found on the adjacent property at 1084 St. Augustine Place (originally 10 St. Augustine Place). One of the oldest homes in Atkins Park, it was built for S.E. Broadnax by contractors T.C. & Paul Wesley in 1913 at a cost of $6,885.[4]

The majority of houses in the neighborhood however, were built by a variety of Atlanta builders and real estate developers. Lots were generally purchased in bulk and house plans and styles were taken from fashionable design books of the period. The tandem of H.W. Nicholes and Sons builders and J.E. Kerr of Simmons & Kerr Real Estate, along with contractor G.P. Norris, was responsible for building most of the houses on Ponce de Leon Avenue and many on St. Augustine Place between 1920 and 1923. Real estate developer J.F. Evans built several houses utilizing the plans of Atlanta architect Leila Ross Wilburn on St. Charles and St. Louis Place in 1919 and the Adair & Senter Real Estate Company developed fourteen residences along St. Louis Place between the years of 1920 and 1922.

From the outset, Atkins Park was a desirable residential community for Atlanta's middle and upper middle class. Census records and city directories show that the neighborhood was home to a number of doctors, lawyers, bankers, entrepreneurs and real estate agents, as well as the accountants, middle managers and company executives of many of the city's most prosperous businesses. These men would commute daily by streetcar and automobile to their shops and offices in downtown Atlanta.

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[2] Taken from the deed between Joseph A. McCord and Mr. Grove for the lot designated Block 3, Lot 33 sold on March 31, 1916.

[3] In the book, *J. Neel Reid –Architect,* by William Mitchell, Jr., Job #279 is listed as a commission for George A. Bland and dated 1916. Although no other information is given, the house exhibits some of the Italian Renaissance design elements commonly associated with Reid's style.

[4] Atlanta Building Permit #3476, however, the residence is not listed in the Atlanta City Directory until 1916.

Among the most well known Atkins Park residents was Ernest G. Beaudry, who founded the Beaudry Ford Motor Company in 1916 and lived with his family at 1160 St. Augustine Place (originally 74 St. Augustine Place) from 1919 until 1930. Another noted individual was Rell Jackson Spiller, who purchased the house at 1138 St. Charles Place (originally 54 St. Charles Place) in 1922. A wealthy concessionaire, Mr. Spiller was the sole owner of the Atlanta Crackers from 1926 until 1932, when he sold the team to Robert Woodruff and the Coca-Cola Company for a quarter of a million dollars. The home of the Crackers, Ponce de Leon Ballpark, was renamed Spiller Field in his honor, following a massive expansion and renovation in 1924, making it the largest minor-league baseball stadium in the nation. Other recognizable Atlanta names in the neighborhood include W.M. Rich, vice-president of M. Rich & Brothers Company, who lived at 1091 St. Louis Place (originally 17 St. Louis Place) for one year in 1922 and Lafayette Montgomery, the secretary and treasurer of the Montgomery Coca-Cola Bottling Company, who bought the unique Dutch Colonial Revival house at 1099 St. Louis Place (originally 25 St. Louis Place) in 1921. Perry Adair, a salesman for Adair & Senter Real Estate, Junior Vice-President of Adair Realty and Trust Company and the son of developer George Adair, moved into the house at 1099 St. Louis Place two years later in 1923.

Throughout the early half of the twentieth century, Atkins Park remained an affluent intown district. Several of the original homeowners remained lifelong residents and raised their families in the neighborhood. The Atkins Park Garden Club was formed in 1929, a social organization for women in the neighborhood to maintain the character of the district's yards and public landscapes. It helped to foster a strong sense of community among Atkins Park neighbors and continues to hold monthly meetings to present day.

As Atkins Park grew, so did the commercial areas around the neighborhood. A number of businesses, including the Atkins Park Restaurant and Bar, developed along Highland Avenue to serve the residents of Atkins Park and nearby Virginia-Highlands. Originally a delicatessen when it opened in the mid-1920s, the establishment began pouring beer and wine after Prohibition in 1932 and is the longest continually operated bar in the city. The deco influenced Ponce de Leon Shopping Plaza, home of the Majestic Diner, was built in 1929 as the first automobile oriented shopping plaza in Atlanta.

During the post-war years however, many of the longtime residents were gone and some of the neighborhood's houses were converted to multi-residential rental units or had fallen into disrepair. The residence at 1082 St. Charles Place was knocked down and the Highland Branch library building was built on the site and the adjacent lot at 1076 St. Charles Place in 1952. The library was enlarged in 1976 and later demolished in 1990, following the completion of a new facility on Ponce de Leon Avenue. Commercial development pressures in the late 1970s had a detrimental impact on the neighborhood when residences were torn down on four lots at the eastern end of Ponce de Leon and St. Augustine Place, for the construction of a gas station and convenience store. Atkins Park residents vigorously fought the development and the commercial plans were rejected, however the two lots on St. Augustine were subdivided and three non-contributing houses were built upon them in 1981 (1163, 1167, and 1171 St. Augustine Place) by developer Paul Daniel.

Despite the incursion of new residential construction at St. Augustine Place, Ponce de Leon and in certain areas at the east end of St. Louis Place, Atkins Park continues to be one of the most comprehensive and well preserved examples of Atlanta's planned streetcar suburbs from the early twentieth century. The neighborhood was added to the National Register of Historic Places in 1982 and was also designated as an Urban Conservation and Development District by the City of Atlanta. Revitalization, brought about by an influx of new residents in the late seventies and eighties, combined with easy accessibility to the numerous restaurants, bars and shops on nearby Highland and Ponce de Leon Avenues, has once again made Atkins Park one of the city's most desirable intown neighborhoods.

Edwin Wiley Grove

Edwin Wiley Grove (1850 – 1927) was born in Bolivar, Tennessee and raised by his aunt, Peggy Traylor Grove. After a brief stint in Arkansas, Grove returned to Paris, Tennessee in 1874 where he worked for Dr. Caldwell, a druggist. In 1878, Grove purchased the drug store from Caldwell and established the Paris Medicine Company. In 1889, he moved the company to St. Louis, Missouri in an attempt to garner greater national market share and distribution for his successful anti-malaria medicine, *Grove's Tasteless Chill Tonic*. The Paris Medicine Company also marketed Febriline, cold tablets and liver pills. Grove later moved to Asheville, North Carolina, where he had established the Tasteless Quinine Company in 1896.

E. W. Grove and his investors amassed nearly $10 million from nationwide product sales. From these earnings, Grove gave extensively to charitable institutions and ensued land holdings in Missouri, North Carolina, Florida, Arkansas, Georgia, Tennessee, and West Virginia. Some of the holdings were for public schools, such as E.W. Grove High School in Paris, Tennessee endowed in 1906. Other holdings were commercial endeavors, such as the Grove Park Inn (1913) and the Grove Arcade (1929), an early shopping mall in Asheville, North Carolina. The residential endeavors are small and large neighborhoods having restrictions and covenants, some bearing his name. Grove created two such neighborhoods in Atlanta: Grove Park (1905), also known as Fortified Hills in the northwest section of the city, and Atkins Park. In 1906, Grove founded and financed the Atlanta *Georgian* newspaper that was run by his son-in-law, Fred Seeley. In the new paper's editorials, Grove pushed for the abolition of chain-gang labor, supported Prohibition and campaigned for Woodrow Wilson for president. Following a downturn in circulation, the paper was sold to William Randolph Hearst's media conglomerate in 1912, and later shut down following its purchase by James Cox in 1939. Grove died on January 27, 1927 in his suite at the Battery Park Hotel in Asheville. All of his fortune and real estate holdings were bequeathed to his wife, son, Edwin Grove, Jr., and his daughter by his first marriage, Evelyn. Grove's developments across the southeast hold great importance in each community. Many are not only listed on the National Register of Historic Places, but are locally designated landmarks and districts.

Fred L. Seeley

Fred Loring Seely was born in Monmouth, New Jersey in 1871. By the age of thirteen, he was working in a pharmaceutical company in New York and he later graduated from the New York College of Pharmacy. After working for a time as a clerk at Johnson & Johnson, Seely moved to Detroit where he found employment with the Parke-Davis Company. There, he gained recognition for inventing a new method for the manufacturing of medicine tablets. Edwin

Grove met Fred Seely in 1896 when he commissioned Parke-Davis to produce his *Grove's Laxitive Bromo Quinine* tablets. The two men immediately formed a strong personal and business relationship and Seely married Grove's only daughter, Evelyn, in 1898.

Seely had also begun working for Grove and in 1901 he reorganized and diversified the Paris Medicine Company, which greatly increased profits and made it one of the largest manufacturer of cold tablets in the world. He later shifted his attention to the management of Grove's expansive real estate holdings. In 1905, Fred Seely moved to Atlanta to oversee and market the development of the Grove Park (Fortified Hills) subdivision. Seely engaged in a number of personal real estate ventures in the city and with Grove's financing, he also co-founded the Atlanta *Georgian* newspaper in 1906. Between 1910 and 1913, Fred Seely supervised the planning and construction of Atkins Park and the Grove Park Inn on Sunset Mountain in Asheville, North Carolina. Following the completion of the Grove Park Inn, Seely began operating the hotel through a number of leases from Grove and proceeded to make it one of the most prestigious vacation spots in the country. Famous guests included Presidents Woodrow Wilson, Calvin Coolidge and Herbert Hoover and Harry Houdini, Al Jolson, Henry Ford and Thomas Edison.

Through his management of the Grove Park Inn, Fred Seely became a wealthy and socially and politically connected individual. Starting in 1913, he began work on his personal estate, Overlook Castle, in Asheville and in 1917 he purchased Biltmore Industries, a small Arts and Crafts collective, from Edith Vanderbilt. By 1920, however, Grove and Seely's relationship began to deteriorate as Grove became gradually more jealous of his son-in-law's success. In 1921, Grove removed Seely from his will. Fred Seely responded in 1925 by suing Edwin W. Grove to retain operation of the Grove Park Inn following Grove's death. Nevertheless, Seely was removed from management of the hotel a year after Grove died in 1927 and it was sold in 1928. Shut out from the Grove Park Inn and Grove's inheritance, Fred Seely concentrated his energies running Biltmore Industries until his death in 1942, at the age of seventy.

John Thomas and John Oscar Mills

The son of Hugh Washington Mills, a wealthy Gwinnett County planter and slaveholder, John Thomas Mills was born in Gwinnett County and served in Company B, Forty-second Georgia Infantry where he attained the rank of captain and was wounded at the Battle of Nashville. In 1880, Mills moved to Atlanta and found employment with the construction department of the City of Atlanta, where he worked for twenty-two years on street building and public work projects. John Mills began working for the E.W. Grove Realty Company in 1905 as the construction superintendent and developer of the Fortified Hills / Grove Park subdivision in northwest Atlanta.

The son and business partner of John T. Mills, John Oscar Mills was born in 1870 and graduated high school in Atlanta in 1890. After a stint as an assistant paymaster for the Fulton Bag and Cotton Mills of Atlanta, Fred Seeley hired him (possibly at the behest of his father) to work for the E.W. Grove Realty Company in 1903 as a civil engineer and landscape gardener on the Fortified Hills / Grove Park development. Seeley turned to Mills again in 1912, this time with the position of construction supervisor of the Grove Park Inn in Asheville, North Carolina. It was also J. Oscar Mills who acted as the primary contractor, street and landscape

designer for Atkins Park and was responsible for the plan of the subdivision's unique "by-way" alley and stone entrance gates. In 1914, Mills became a Fulton County commissioner and later went on to become a salesman for the Smith, Ewing and Rankin real estate rental agency in the 1920s. He lived with his family in a house built by his father on Evelyn Place in the Fortified Hills / Grove Park neighborhood.

Hentz, Reid & Adler

Founded in Atlanta in 1909 by Hal Hentz, Joseph Neel Reid and Gottfried L. Norman, Hentz, Reid & Adler was considered one of the most prestigious architecture firms in the southeast during the early half of the twentieth century. Hentz and Reid had studied together at the Columbia University School of Architecture and later at the Ecole des Beaux-Arts in Paris. Rudolph S. Adler joined the firm in 1911 after the suicide of Gottfried L. Norman, and became a partner in 1913. Hal Hentz generally served as the public face of the company, handling accounts and dealing with clients, while Neel Reid was the primary architectural designer with Adler serving as his draftsman.

Hentz, Reid & Adler is often thought of as the leading practitioners of what has been termed the Georgia School of Classicists. The firm became closely associated with Colonial Revival Style in domestic architecture although Reid also designed residential, commercial and institutional projects utilizing a number of diverse historic elements, including Tudor Revival, Greek Revival and Italianate styles. Notable extant examples of Neel Reid's work in Georgia include Hills and Dales (1916) in Lagrange, the Haas-Howell Building (1920), George Muse Clothing Store Building (1921), Garrison [Reid House] Apartments (1923-1924) and the Brookwood Train Station (1916-1917) in Atlanta as well as a number of houses in the Druid Hills, Ansley Park and Peachtree Hills neighborhoods. It is believed that the Italianate style house, located at 1092 St. Augustine Place, was designed by Hentz, Reid & Adler as job # 279 in 1916 for George A. Bland, a Vice President of the Retail Credit Company.

Neel Reid was diagnosed with brain cancer in 1923 and died in February 1926 from a brain tumor at his home, Mimosa Hall, in Roswell, Georgia. Philip Trammel Shutze, another talented Atlanta area architect, became a primary architect in the firm and continued its classicist design tradition following Reid's death.

Leila Ross Wilburn

Born in Macon, Georgia in 1885, Leila Ross Wilburn moved to Atlanta in the 1890s. She spent a year at Agnes Scott Institute and two years as a draftsman at the architectural and building firm of Benjamin R. Padgett. Wilburn began her own practice in 1908, concentrating on residential architecture. She was the second female architect in Georgia, and Wilburn used her gender as a marketing tool, promoting her special understanding of domestic needs because of her female perspective. Wilburn gathered her business from contacts with real estate developers for whom she built single-family homes, duplexes, and apartment buildings. Many of these builders advertised in her 1914 plan book, *Southern Homes and Bungalows.* Most of the buildings designed by Leila Ross Wilburn are located in Atlanta's early 20th century suburbs, such as Ansley Park, Inman Park, Midtown, Druid Hills, and Atkins Park. Her early designs, such as those found in Atkins Park, tended to use an eclectic mix of Colonial Revival,

Tudor and Craftsman styles. Wilburn embraced a range of house types and styles during her long career, which lasted until her death in 1967.

The residences at 1081 and 1138 St. Charles Place, 1102 St. Augustine Place, and 1128 St. Louis Place are constructed from designs included in her 1920 publication, *Brick and Colonial Homes*. The houses located at 1128 and 1168 St. Augustine Place and 1073 St. Charles Place were built from plans found in *Ideal Homes of Today.* 1140 St. Augustine Place is another documented Leila Ross Wilburn designed house in the neighborhood.

James Edwin Kerr

J.E. Kerr was born in Yanceyville, North Carolina in 1888 and moved to Atlanta with his family when he was one year old. Although he went to exclusive private schools in the city, Kerr did not attend college, but rather became involved in the printing business. By the age of twenty, he had started his own company, Publishers Press and built it up to one of the largest printing houses in the south. He sold the business in 1919 and associated with Thomas H. Simmons, to form the Simmons –Kerr Realty Company. Kerr invested heavily in apartment and residential development in the city of Atlanta, including many of the houses in Atkins Park, throughout the state of Georgia and also Coral Gables and Miami, Florida. Kerr was a member of the Capital City Club and the Atlanta Chamber of Commerce and president of his other startup business, the Kerr Lumber Company. He died in November of 1924, at the age of 35, and was buried in the City of Decatur Cemetery.

H. W. Nicholes and Sons

Originally comprised of Herbert Nicholes and his son Martin, the building firm of H.W. Nicholes and Sons had offices on the eighth floor of the Healey Building and was prominently involved in the development of Atkins Park. Working with real estate developer J.E. Kerr, Nicholes purchased and built a number of homes in the neighborhood, most extensively in the area between St. Augustine Place and Ponce de Leon Avenue. The company of H.W. Nicholes and Sons was responsible for the construction of many homes around the rapidly expanding suburbs of Atlanta in the early twentieth century, including Druid Hills, Peachtree Battle, Collier Hills and Roswell. The firm had an excellent reputation in the city and Herbert Nicholes was a founding member of the Atlanta Home Builders Association in 1945. H.W. Nicholes died in 1959 at the age of 87.

Hunter Perry Adair

Born in Atlanta in 1898, Perry Adair was the son of George and Sarah Adair and the grandson of Colonel George W. Adair, the founder of the Adair Realty Company. A noted amateur golfer and good friend of Bobby Jones, Perry Adair attended Georgia Tech and following World War I, he began working for the firm of Adair Realty and Trust Company as a junior member and vice-president. The houses built along St. Louis Place between 1920 and 1922 by Adair and Senter, may have been developed as a speculative venture independent of Adair Realty and Trust Company, by Perry Adair and his partner James C. Senter. Senter, a Decatur based homebuilder, was born in Virginia in 1893 and was a classmate of Adair's at Georgia Tech. By 1927, Perry Adair had started his own real estate company.

CRITERIA

Atkins Park meets the following criteria for designation as a City of Atlanta Historic District:

Group I (Historic): 1, 2, and 3
Group II (Architectural): 1, 2, 3, 5, 6, 9, 12, 13, and 14
Group III (Cultural): 1, 2, and 3

FINDINGS

The proposed nomination of the Atkins Park Historic District meets the above reference specific criteria, as well as, the minimum criteria for a Historic District as set out in Section 16-20.004(b)(1);

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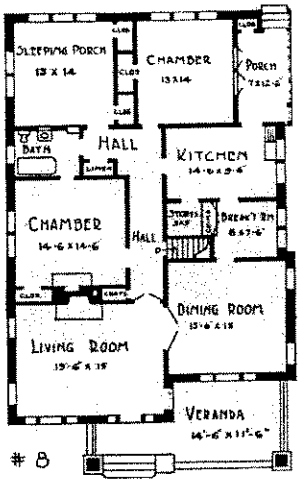
Leila Ross Wilburn homes in Atkins Park from *Brick and Colonial Homes*

Plan #8- 1102 St. Augustine Place

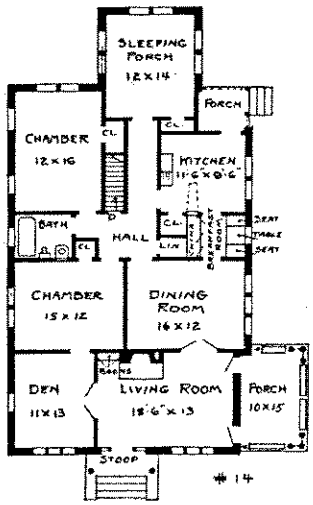


No. 8

COMPLETE PLANS AND SPECIFICATIONS (AS SHOWN OR REVERSED) $25.00
EXTRA SETS, PER SET $ 5.00
LUMBER AND MILL LIST $ 5.00

During the past year this house has been very popular. The heavy cornice brackets, wide span between the masonry columns, and brick balusters all add to the good effect of the exterior. The house is heated by hot air. Similar plans are shown on pages 15 and 33.

Plan #14- 1081 St. Charles Place

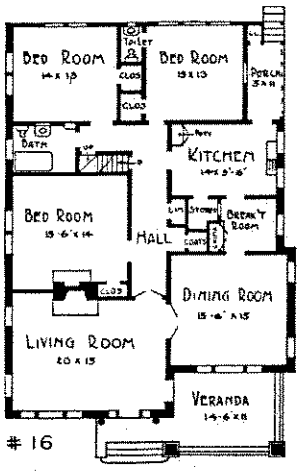


NO. 14

COMPLETE PLANS AND SPECIFICATIONS (AS SHOWN OR REVERSED) $25.00
EXTRA SETS, PER SET $ 5.00
LUMBER AND MILL LIST $ 5.00

This is another catchy home of the Colonial type and one that is meeting with great popularity. The walls are red brick, trim white, and roof green tile. This plan is worthy of careful consideration either as a home or as an investment. The folding ironing board in the kitchen, china case, Pullman breakfast room, and book cases are among the attractive features. The house has a warm air heating plant.

Plan #16- 1138 St. Charles Place

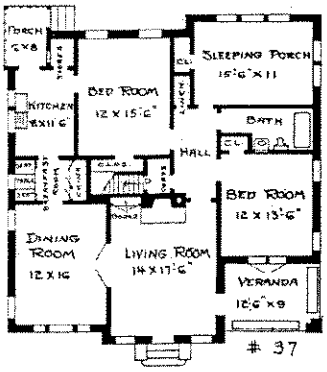


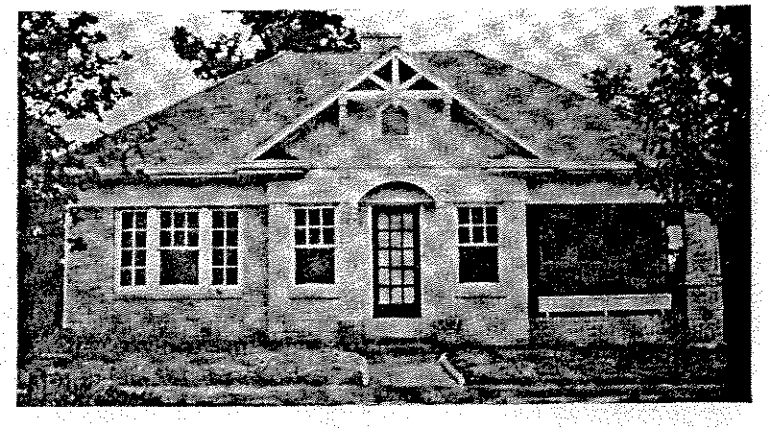
The stoop entrance of Colonial design and the hipped gables give distinction to this home. The porch may be entered from the front, but is enough to the side to be quite private. See also pages 6, 27, 24, 33 and 37.

No. 16

COMPLETE PLANS AND SPECIFICATIONS (AS SHOWN OR REVERSED) $25.00
EXTRA SETS, PER SET $ 5.00
LUMBER AND MILL LIST $ 5.00

Plan #37- 1128 St. Louis Place

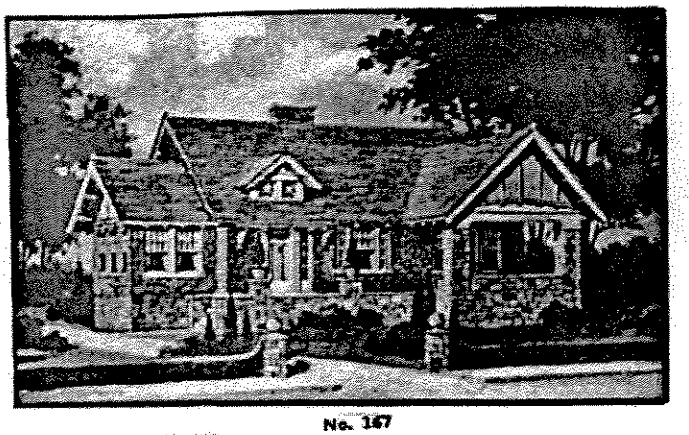




No. 37

Leila Ross Wilburn homes in Atkins Park from *Ideal Homes of Today*

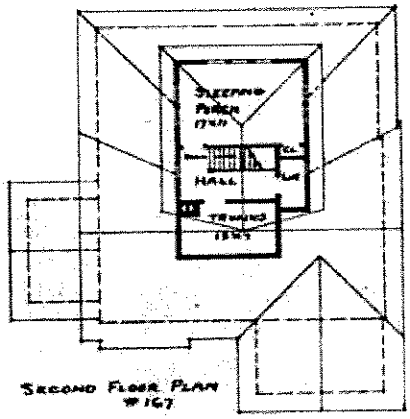
Plan # 167 – 1128 St. Augustine Place

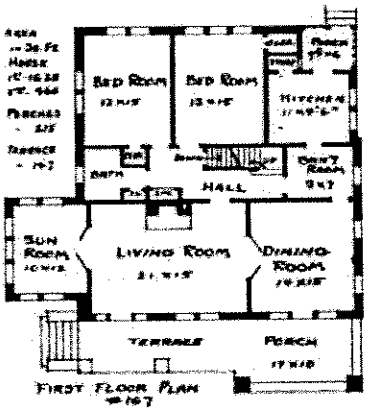


No. 167

COMPLETE PLANS AND SPECIFICATIONS (AS SHOWN OR REVERSED) $30.00
EXTRA SETS, PER SET ..... $ 5.00
LUMBER AND MILL LIST ..... $ 5.00

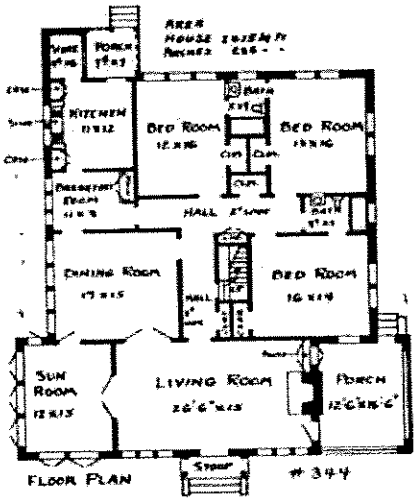
The artistic home here presented will undeniably be a pleasant sight to the passerby as well as a source of pride to its owner. Careful thought was given, to the designing of the roof and front entrance which, together with the stone foundation, brick walls, stucco gables and heavy cornice brackets, produce an appearance that creates favorable comment. The three front rooms may be thrown together and give a very spacious effect. The bed rooms and second story sleeping porch are of good size and conveniently located. The specifications call for a steam heating plant to be located in the basement.

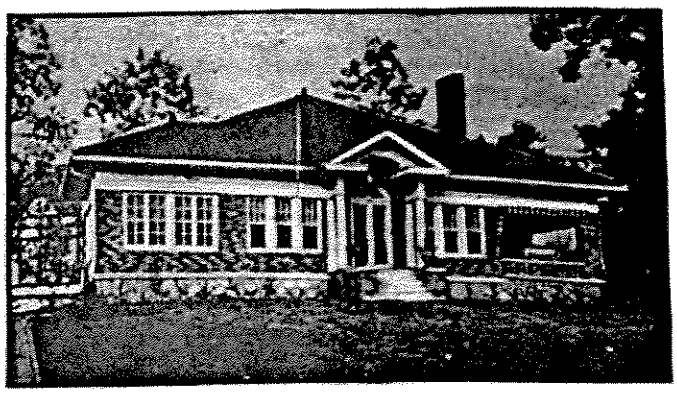




Plan # 344 – 1168 St. Augustine Place

COMPLETE PLANS AND SPECIFICATIONS (AS SHOWN OR REVERSED) $35.00
EXTRA SETS, PER SET ..... $ 5.00
LUMBER AND MILL LIST ..... $ 5.00

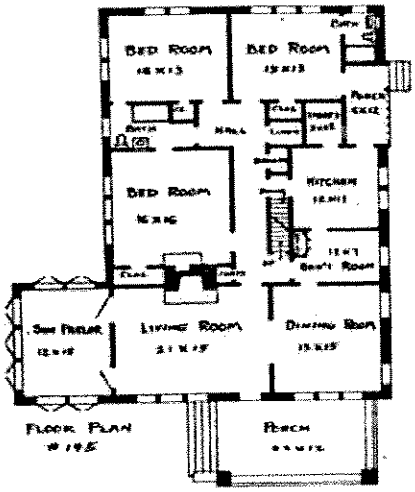


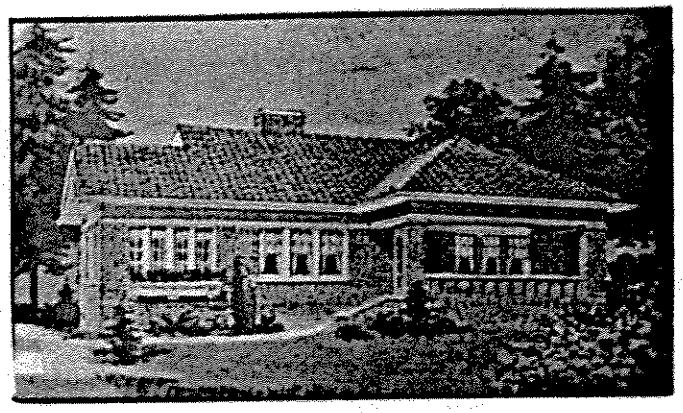


No. 344

This home has extraordinary artistic worth and at the same time presents no unusual construction difficulties. The arched front door opens directly into the spacious living room. When entertaining the attractive sun parlor, dining room, living room and side porch can be thrown together. Each of the three bed rooms have direct connection with a bath. The foundation is of granite, walls are veneered with cream brick and roof covered with tile.

Plan # 145 – 1073 St. Charles Place





No. 145

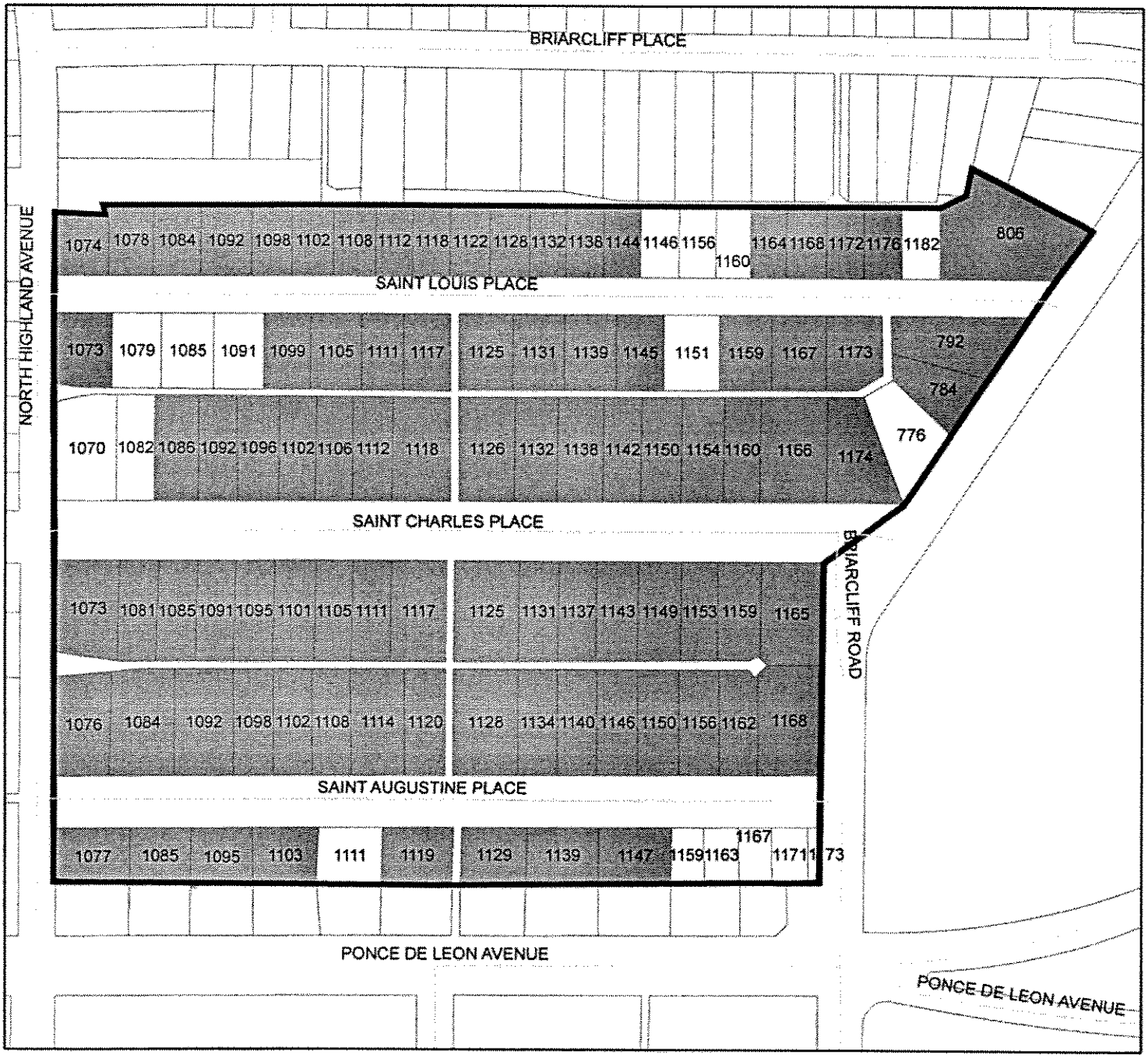
COMPLETE PLANS AND SPECIFICATIONS (AS SHOWN OR REVERSED) $30.00
EXTRA SETS, PER SET ..... $ 5.00
LUMBER AND MILL LIST ..... $ 5.00

Simple in outline and detail, a good choice of the brick, mortar joint and tile roof are all that will be necessary to make this house. The placing of the sun parlor, living room and dining room to the front is a feature of the design. The three bed rooms, each connected with one of the two baths, and many closets will make living in the house a pleasure.

ATLANTA
URBAN DESIGN
COMMISSION

ATLANTA CITY HALL
55 TRINITY AVENUE, SW
SUITE 3400
ATLANTA, GEORGIA 30335-0331
(404) 330-6200

Proposed Atkins Park Historic District (Chapter 20 O)



= Parcels with Contributing Buildings

Produced by the AUDC - 02/07

Revised 4/11/07

This map is provided only for general information purposes and is not an official record of the zoning status of areas within the City of Atlanta. Neither the City nor the AUDC assume any liability for any errors or omissions in any map and reliance by any person on any type of information contained in any map is strictly at the risk of the user. To receive official confirmation of the zoning of property within the City of Atlanta, it is necessary to contact the Zoning Enforcement Division of the Bureau of Buildings.

N

Exhibit "B"

Atkins Park Historic District Regulations
(Chapter 20O)

Sec. 16-20O.001. Statement of Intent

The intent of the regulations for the Atkins Park Historic District is as follows:

(1) To recognize and maintain the original design of the 1909 plan for Atkins Park created by Edwin Wiley Grove, a prominent businessman, pharmacist, real estate developer and philanthropist of the Southeast and Mid-Atlantic regions.

(2) To preserve existing landscape and hardscape features that include the gateways, the by-way, alleys, and general physical character of the district.

(3) To preserve the historic as-built physical pattern of the district created during the 1909 to 1935 period primarily consisting of single-family residential development, and including spatial relationships between buildings, and spatial relationships between buildings and the street.

(4) To preserve the architectural history of the residences that were constructed in the District from 1909 to 1935 and to ensure that additions, alterations, and renovations to existing structures are consistent with the historic character of the individual structure.

(5) To prevent the subdivision or aggregation of existing lots in any manner that would disrupt the historic platting pattern, lot sizes, and spatial relationships established during the 1909-1935 development period, or otherwise detract from the identified historic qualities of the District.

(6) To preserve the residential character of the area, and to ensure that redevelopment reflects and reinforces the exceptional features established in the original planning.

(7) To ensure that new construction observes the historic characteristics and maintains a continuing harmony with the character of the entire District. Also to ensure that new noncontributing structures of contemporary design and materials are compatible with and sensitive to the historic character of the District.

(8) To encourage containment of existing commercial areas and discourage encroachment of the commercial areas into the District.

(9) To encourage neighborhood revitalization and prevention of displacement of residents.

(10) To preserve and enhance the historic and architectural appearance of the district so as to substantially promote the public health, safety and general welfare.

Sec. 16-20O.002. Scope of regulations.

The scope of the regulations for the Atkins Park Historic District is as follows:

(1) The existing zoning map and all regulations governing all properties within the Atkins Park Historic District shall remain in full force and effect. The following zoning regulations shall be overlaid upon, and shall be imposed in addition to, said existing zoning regulations. Whenever the following overlay regulations are at variance with said existing zoning regulations, the following regulations of chapter 20O shall apply.

(2) Except where it is otherwise explicitly provided, the provisions of Chapter 20 of this part shall apply to this district. Whenever the regulations of chapter 20O conflict with the provisions of Chapter 20, the regulations of chapter 20O shall apply.

(3) All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this Atkins Park Historic District shall continue to apply. In the event of any conflict between said other regulations and the following regulations of this chapter 20O, the interpretation provision set forth in section 16-20.011 of the Code of Ordinances shall govern.

Sec. 16-20O.003. Boundaries.

Historic District (HD) zoning district, which district shall be as shown on the official zoning map adopted herewith entitled "Atkins Park Historic District" and described as follows, south boundary is the rear (south) property line on St. Augustine Place; west boundary is the east edge of the sidewalk on the west side of North Highland Avenue from the rear (south) property line on St. Augustine Place to the rear (north) property line on St. Louis Place; north boundary is the rear (north) property line on St. Louis Place; east boundary is the west edge of the sidewalk on the east side of Briarcliff Road from the rear (north) property line on St. Louis Place to the rear (south) property line on St. Augustine Place.

Sec. 16-20O.004. Organization.

The overlay zoning regulations for the Atkins Park Historic District are composed of general regulations that apply to the entire district within the stated boundaries.

Sec. 16-20O.005. Definitions.

For purposes of interpreting this Chapter 20O, the following definitions shall apply.

(1) *Alley* means a pedestrian or vehicular way providing secondary access to the rear of abutting property.

(2) *Balcony* means a finished platform that projects from the wall of a building and is enclosed by a finished railing or parapet, generally cantilevered or supported by brackets.

(3) *By-way* means the walkway located mid-way on the blocks, running north-south between the north side of Ponce de Leon Avenue and the south side of St. Louis Place.

(4) *Core residential street* means St. Augustine Place, St. Charles Place, St. Louis Place, and the one block section of Briarcliff Road between St. Charles Place and St. Louis Place, and specifically excludes alleys and by-ways.

(5) *Deck* means a roofless platform and adjoining deck stairs connected to a house, generally made of unfinished wood and supported by posts.

(6) *District* means the Atkins Park Historic District, as shown on the official zoning map adopted herewith entitled the "Atkins Park Historic District."

(7) *Gateway* means the stone pillars and associated wrought iron, stone walls, and stone retaining walls that are at the east and west entrances of St. Augustine Place, St. Charles Place, and at the west entrance of St. Louis Place.

(8) *New construction* means construction of new principal structures.

(9) *Principal structure* means the main habitable structure on a property, exclusive of detached accessory structures.

(10) *Upper level terrace* means non-roofed space within the foot print of the structure and accessible from a habitable portion of an upper floor of the structure.

Sec. 16-20O.006. General Regulations.

The following general regulations shall apply to all properties located within the Atkins Park Historic District.

(1) Certificates of Appropriateness.

(A) Except as otherwise provided herein, the procedures for determining the appropriate type of certificate of appropriateness shall be those specified in section 16-20.008 of the Code of Ordinances.

(B) Notwithstanding any other provision herein, no certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.

(C) Type I certificates of appropriateness for ordinary repairs and maintenance shall not be required in this district. For example, painting or repainting of any structure or portion thereof, or roof or driveway repair using same materials, do not require a certificate of appropriateness.

(D) Type II certificates of appropriateness shall be required for any of the following to the extent they are visible from a public street: Any minor alteration to any façade of any principal structure, fences, walls, retaining walls, decks, skylights, solar panels, mechanical and communication equipment, shutters, awnings, accessory structures or paving. If a Type II certificate of appropriateness is required and the proposed alteration meets the requirements of this Chapter, as applicable, and other criteria applicable to Type II certificates, the Director of the Commission shall issue the Type II certificate within 14 days of receipt of the completed application. If a Type II certificate of appropriateness is required and the proposed alteration does not meet the requirements of this Chapter, as applicable, the Director of the Commission shall deny the application with notice to the applicant within 14 days of receipt of the completed application. Appeals from any such decision of the Director regarding the approval and/or denial of Type II certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the appeals section of chapter 16-20.008(a) for Type I certificates.

(E) Type III certificates of appropriateness shall be required for:
- (i) All new principal structures.
- (ii) All major alterations and additions to existing structures.
- (iii) Subdivisions or aggregations of lots, and planned developments.

(F) Type IV certificates of appropriateness shall be required for demolition, moving, or major alterations or additions to any principal structure, or existing gateway, or portions thereof.

(2) *Variances.* Variance applications shall be heard by the Urban Design Commission. The Commission shall have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, and criteria for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16.

Zoning Variances Granted Prior to Enactment of this Chapter.
Any owner of property who obtained, on or after January 1, 1982, and prior to the effective date of this Chapter, a variance from the city Board of Zoning Adjustment to construct all or a portion of a project within the boundaries of this district, shall be entitled to construct said project in accordance with the plans presented in said application, the provisions of Section 16-20O.007 notwithstanding.

(3) Financial Hardship Exemptions.

(A) These Regulations set forth a minimum standard of architectural compatibility with the rest of the District. However, in order to balance other equally important objectives of neighborhood revitalization and prevention of displacement of residents, the Commission may allow reasonable exemptions from these regulations on the ground of economic hardship to the property owner.

(B) The burden of proving economic hardship by a preponderance of the evidence shall be on the applicant.

(C) The Commission shall consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:

i. The present income of the property owner(s) and those occupying the property;

ii. The age of the property owner;

iii. The length of time the property owner has resided in the neighborhood or in the residence for which the exemption is sought;

iv. The availability of other sources of funds that are appropriate to the circumstances of the applicant, including loans, grants, and tax abatements;

v. The costs associated with adherence to these regulations;

vi. The degree of existing architectural significance and integrity of the structure; and

vii. The purpose and intent of this Chapter.

(D) The Commission shall consider these factors. If it finds that the applicant's economic hardship outweighs the need for strict adherence to these regulations it shall grant an exemption, in whole or in part, as appropriate.

(4) Subdivisions and aggregation of lots. The platting pattern of the Atkins Park Historic District is an integral part of the historic character of the District. No subdivision or aggregation shall be approved unless it can be shown that the proposal is substantially consistent with the original plan of the District. In addition to the requirements of the subdivision and zoning ordinances, including but not limited to Sections 15-08.002(a)(2) and 15-08.005(d)(6), all subdivisions and aggregations of lots shall conform to the historic platting pattern in the Atkins Historic District with regard to area of lot, dimensions, and configurations.

(5) Tree preservation and replacement. The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code section 158-26 et seq, (Code 1977, as amended), shall apply to this district.

In addition to the Tree Ordinance, a Type III Certificate of Appropriateness to remove or destroy any tree having a diameter at breast height of 6 inches or greater for safety, landscaping, silviculture, construction, renovation or demolition shall be obtained prior to commencement of work. Trees determined to be dead,

dying or hazardous are not subject to the Certificate of Appropriateness procedures. The application shall include a tree plan indicating the following:

(A) Location of all existing trees with type and diameter indicated, including boundary trees;

(B) Location of all existing trees to be saved indicated; and

(C) Location of all proposed trees located with type and diameter indicated.

(6) Alleys and By-ways.

(A) Existing alleys and by-ways shall be maintained as part of the historic platting pattern. Alleys shall remain open for pedestrian and vehicular traffic. Byways shall remain open for pedestrian traffic only.

(7) Compatibility Rule.

(A) In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, materials, and general character of the contributing buildings in the immediately adjacent environment of the block face, the entire block, or the district as a whole. Synthetic materials may be used if visually indistinguishable from the original materials. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The element in question (roof form, architectural trim, etc.) shall match that which predominates on the contributing buildings of the same block face or, where quantifiable (i.e., buildings height and width as measured at front facade, floor height, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same block face."

(B) Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."

Sec. 16-20O.007. Specific Regulations.

The following regulations shall apply to all properties located within the Atkins Park Historic District.

(1) *Development Controls for Principal Structures.*

(A) *Front Yards:* The front yard setback of principal structures shall meet the compatibility rule.

(B) *Side yards:* The side yard setbacks of principal structures shall meet the compatibility rule. All new construction and additions shall maintain a

minimum of three (3) feet for side yards setbacks where the compatibility rule would permit otherwise.

(C) *Rear yard:* The rear yard setback of principal structures shall be a minimum of fifteen (15) feet.

(D) *Off-street parking and driveway requirements:*

(i) Off-street parking pad(s) shall not be permitted in any front yard or half-depth front yard. Off-street parking shall be located in a side or rear yard.

(ii) The driveway shall extend at least 20 feet beyond the front façade of the principal structure and shall not exceed a width of 10 feet in the front yard or half-depth front yard, exclusive of the curb flare.

(iii) Use of shared driveways is permitted.

(iv) The use of alleys for access to such parking is permitted. No variance is required for driveways coming off an alley.

(v) Loose stone or gravel is not permitted as a driveway paving material when visible from a core residential street.

(vi) When garages are attached to the principal structure, the garage entrance(s) shall not face a core residential street.

(E) *Sidewalk and Planting Strip.*

(i) Existing sidewalks and planting strips shall be retained and existing topography shall be maintained.

(ii) A sidewalk between the planting strip and the required front yard and parallel to the public street shall be provided. The sidewalk shall be the same width as the sidewalk on abutting properties. The compatibility rule shall apply to sidewalk paving materials.

(F) *Fences and walls.*

(i) Fences shall not exceed four feet in height when located in the front or the half-depth front yards.

(ii) Fences and walls shall not exceed six feet in height when located in the side or rear yards.

(iii) Fences shall be constructed of wood or vinyl picket, wrought iron, cast iron or decorative pre-finished aluminum when located in a front or half-depth front yard. Chain link is prohibited as a fence material when located in a front or half-depth front yard. Materials of fences or walls shall not be restricted in the side or rear yards.

(iv) Retaining walls located adjacent to a public right-of-way shall have a maximum height of two feet from sidewalk grade and shall be constructed of or faced with natural stone or brick. Railroad lumber, wood, architectural concrete masonry units or other simulated material is not a permitted facing material of retaining walls. The height and materials of retaining walls located in the side or rear yards shall not be restricted.

(v) Fences may be constructed on top of a retaining wall. The combined height of the retaining wall and fence shall not exceed six feet when located in a front or half-depth front yard.

(2) *Architectural Standards for Principal Structures.*
Architectural standards for principal structures shall apply to front facades, side facades, and half-depth front facades visible from core residential streets only.

(A) All new construction shall be one of the house styles of a contributing building that appears on the block face of the street on which the new construction shall occur.

(B) *Building Height and Width:* The compatibility rule shall apply to the height and width of the principal structure. In no case shall the height of a structure exceed 35 feet from grade.

(C) *Foundation:*
(i) The maximum height of the first floor above grade shall meet the compatibility rule. The foundation shall be a maximum of four feet above the surface of the ground adjacent to the front façade, measured at the front facade.
(ii) Slab on grade is not permitted.
(iii) When masonry, brick or stucco is used as the primary façade material, the foundation material shall be the same. Otherwise the foundation shall be brick or stucco.

(D) *Siding:* Siding shall be substantially consistent with siding materials found in contributing buildings on the block face and shall be consistent with the architectural style. Brick, brick veneer, stucco, shingles, or horizontal lapped wood or cementitious plank siding are permissible building materials for the facades.

(E) *Roofs:*
(i) The shape and pitch of roofs, as well as ridge, overhang, and soffit construction shall meet the compatibility rule and be consistent with the architectural style.
(ii) Clay tile, slate, composition asphalt shingles, and fiberglass shingles are permissible roofing materials.
(iii) Membrane or cold-rolled roofing is permitted only on flat roofs.
(iv) Corrugated roofing materials are not permitted.

(F) *Chimneys:*
(i) When any portion of a chimney is visible from a public street as a façade element, the chimney shall originate at grade.
(ii) Exterior portions of chimneys shall be faced with brick, brick veneer or stucco. Siding on chimneys is prohibited.

(G) *Skylights and solar panels:* Skylights and solar panels are permitted on roofs of buildings provided they are not visible from any core residential street.

(H) *Front entry:*
- (i) All front entries, front porches, front steps and front doors shall face and be parallel to the street, except in those blocks where the historic pattern is such that front doors and front steps are perpendicular to the street, in which the compatibility rule shall apply.
- (ii) The main entry shall be a design element of the façade that faces the District's residential public street.
- (iii) The design and dimensions of front porches, front entries or terraces shall be consistent with the architectural style of the house.
- (iv) Front porch steps shall be made of stone, brick, or poured concrete; metal or wood steps are not permitted.
- (v) Porches may be enclosed with recessed screenwire or recessed glass if the main characteristics of a front porch are maintained.

(I) *Windows and Doors.* Fenestration, if visible from a core residential street upon completion, shall meet the following requirements:
- (i) The compatibility rule shall apply to the style, size, shape and overall pattern of fenestration.
- (ii) Windows on the front façade shall be predominantly vertical.
- (iii) Exterior doors and door transoms shall be appropriate to the house style, regarding design, size, dimension, and location on the building.

(J) *Shutters and Awnings:*
- (i) Shutters and awnings may be added to the building if they are appropriate to the architectural style of the house.
- (ii) Shutters shall be operable or appear operable, and shall fit the size of the window.
- (iii) Replacement shutters shall match the original shutters in design, materials, and configuration.
- (iv) Fabric and metal awnings are permitted. All other types of canopies and awnings are prohibited.

(K) *Decks, Balconies and Upper Level Terraces:*
- (i) Decks shall be permitted only when located to the rear of the principal structure and shall be no wider than the width of the house. Decks shall be permitted at any level.
- (ii) Balconies and upper level terraces shall be permitted on any façade, provided it is consistent with the architectural style of the house.

(L) *Ornamentation:* Installation of architectural ornaments, such as brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps, doors, half-timbering, and attic vents, where none previously existed shall be permitted and shall be subject to the compatibility rule.

(M) *Mechanical and communication equipment:*

(i) Mechanical equipment, i.e. heating and cooling systems, shall be located to the side or rear of the principal structure and in the location least visible from a public street. Screening with appropriate plant material or fencing is required if the equipment is visible from a public street.

(ii) Communication equipment, i.e. satellite dish, shall be located to minimize visibility from the core residential street.

(N) Grading shall not excessively or unnecessarily alter the existing topography of the site. New grades shall meet existing topography in a smooth transition. Erosion shall be prevented and runoff kept to a minimum.

(3) *Maximum Floor Area Ratio:* The floor area ratio shall not exceed 50 percent of the total lot area.

(4) *Maximum Lot Coverage:* Lot coverage shall not exceed 50 percent of total lot area.

(5) *Development Controls for Accessory Structures.*

(A) *Side yards:* The side yard setbacks of accessory structures shall be a minimum of three (3) feet. Where an accessory structure directly abuts an accessory structure on an abutting property, the side yard setback may be zero (0) feet.

(B) *Rear yard:* The rear yard setbacks of accessory structures shall be a minimum of three (3) feet, measured from the rear property line.

(C) Accessory structures are permitted in the side or rear yards within the buildable area of the lot so as to not project beyond the front façade of the principal structure. Placement of accessory structures shall conform to the compatibility rule.

(D) Accessory structures shall not exceed 16 feet in height or the height of the principal structure, whichever is less, measured from slab to ridge pole, and shall not contain a floor area greater than 25 percent of the floor area of the

principal structure. Plumbing shall be limited to hose bib, and electricity shall be limited to 60 amps.

Sec. 16-20O.008. Design Standards and Criteria for Alterations and Additions to Non-Contributing Structures.

Alterations and additions to non-contributing buildings shall comply with one of the following:

(A) Alterations and additions shall be consistent with the architectural style of the existing building and the height or width of any alteration or addition shall not exceed the height or width of the existing building; or

(B) Alterations and additions shall be representative of a single architectural style chosen from those represented by contributing buildings on the block face where the existing non-contributing building is located, shall comply, as applicable, with *Architectural Standards for Principal Structures.*, section 16-20O.007(2).

Sec. 16-20O.009. Design Criteria for Alterations and Additions to Contributing Structures.

Alterations and additions to contributing structures requiring a Certificate of Appropriateness shall comply with one of the following provided that the mere increase in floor area otherwise authorized in the district shall not constitute a standard for review:

(A) Alterations and additions shall be consistent with and reinforce the historic architectural character of the entire existing contributing structure and shall comply with the applicable regulations for *Architectural Standards for Principal Structures* set forth in subsection 16-20O.007(2) above; or

(B) New additions, exterior alterations, or related new construction will not destroy historic materials that characterize the property. The new work may differentiate from the old. To protect the historic integrity of the property and its environment, any new work will be compatible with the massing, size, scale, materials, and architectural features of the property and environment.